

Overman, Carolyn

Subject: FW: 3M Communication to EPA Region IV
Attachments: 3M Decatur TSCA Section 5(e) Disclosure Letter.04.03.2019.DOCX

From: James Banks <jbanks@mmm.com>
Sent: Thursday, April 4, 2019 4:56 PM
To: Dean, Glenda <GLD@adem.alabama.gov>
Subject: 3M Communication to EPA Region IV

Ms. Dean,

Please find attached the notification 3M submitted to EPA Region IV, TSCA. If there are any questions, please do not hesitate to contact me.



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April 3, 2019

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ELECTRONIC AND FIRST CLASS MAIL

Ms. Beverly Banister
Director
Air, Pesticides and Toxics Management Division
United States Environmental Protection Agency, Region 4
Mail Code: 9T25
Atlanta, GA 30303-8960
banister.beverly@epa.gov

Re: 3M Company's Voluntary Disclosure of Non-Compliance with Section 5(e) of the Toxic Substances Control Act

Dear Ms. Banister:

On behalf of 3M Company ("3M"), I am writing to voluntarily disclose non-compliance with Section 5(e) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2604(e), at 3M's Decatur, Alabama plant. The Decatur plant manufactures, *inter alia*, intermediate chemicals, perfluorobutanesulfonamide ("FBSA") and fluorinated sulfonamide alcohol ("FBSEE").

3M is authorized to manufacture, process and use FBSA and FBSEE at its Decatur plant pursuant to the terms of a November 2, 2009 United States Environmental Protection Agency ("EPA") Consent Order ("Consent Order"), in which EPA identifies FBSA as P09-0477 [1-Butanesulfonamide, 1,1,2,2,3,3,4,4,4-nonafluoro-] and FBSEE as P09-0485 [1-Butanesulfonamide, 1,1,2,2,3,3,4,4,4-nonafluoro-N,N-bis(2-hydroxyethyl)-]. That Consent Order contains a "Release to Water" provision, which states as follows:

"The Company is prohibited from any predicted or purposeful release of the PMN substances P09-0477 and P09-0485, or any waste stream from manufacturing, process and use containing these substances into waters of the United States."

Consent Order at p. 7. Through self-investigation, 3M has discovered that the Decatur plant has released FBSA and may have released FBSEE from its manufacturing operations to the Tennessee River in non-compliance with the Consent Order's release to water provision.

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Due to these concerns, 3M has ceased both its FBSA and FBSEE manufacturing operations at its Decatur plant as well as any associated waste stream releases from those operations. 3M is working diligently to fully investigate the source(s) of the release(s) and to develop corrective actions to ensure such releases do not recur. As we work to fully investigate this situation, we would appreciate the opportunity in the near future to meet with you and your staff to discuss our findings and our efforts to ensure that 3M remains in permanent, consistent compliance with the Consent Order.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam M. Kushner".

Adam M. Kushner, Esq.
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